

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

MARY K. MYERS,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

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CASE NO. 1:12-CV-00250

OPINION & ORDER

[Resolving Docs. No. [1](#), [10](#), [16](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On February 1, 2012, Plaintiff Mary Myers filed a complaint seeking judicial review of the Defendant Commissioner of Social Security's decision to deny her disability benefits. The matter was referred to Magistrate Judge Nancy A. Vecchiarelli pursuant to Local Rule 72.2. On September 26, 2012, Magistrate Judge Vecchiarelli issued a Report and Recommendation recommending that the Administrative Law Judge properly assessed Ms. Myers's residual functional capacity and that the decision of the Commissioner is supported by substantial evidence in the record. [Doc. [16](#) at 15, 16.] Accordingly, Magistrate Judge Vecchiarelli recommended that the Commissioner's decision be affirmed.. [Doc. [16](#) at 19.]

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). The Act grants parties fourteen days to file objections. *Id.* Failure to object

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within this time waives a party's right to appeal the district court's judgment. [FED. R. CIV. P. 72\(a\)](#); *see also* [Thomas v. Arn](#), 474 U.S. 140, 145 (1985); [United States v. Walters](#), 638 F.2d 947, 949-50 (6th Cir. 1981). Absent objection, a district court may adopt the magistrate judge's report without review. [See Thomas](#), 474 U.S. at 149.

In this case, neither party has objected to the Magistrate Judge's recommendation. Moreover, having conducted its own review of the Report and Recommendation, record, and parties' briefs, the Court agrees with the recommendation of Magistrate Judge Vecchiarelli that the Court affirm the Commissioner's decision.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge Vecchiarelli's Report and Recommendation and incorporates it fully herein by reference, **AFFIRMS** the Commissioner's denial of benefits.

IT IS SO ORDERED

Dated: October 16, 2012

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE